



Approved September 13, 2006

**PLANNING COMMISSION
CITY OF SCOTTSDALE
CITY HALL KIVA
3939 NORTH DRINKWATER BOULEVARD
SCOTTSDALE, ARIZONA
AUGUST 23, 2006**

STUDY SESSION MINUTES

PRESENT: Steve Steinberg, Chairman
James Heitel, Vice-Chairman
David Barnett, Commissioner (arrived 4:10)
Steven Steinke, Commissioner
Eric Hess, Commissioner
Kevin O'Neill, Commissioner
Jeffrey Schwartz, Commissioner

STAFF PRESENT: Lusia Galav
Randy Grant
Sherry Scott
Don Hadder
Mac Cummins

1. **CALL TO ORDER**

The study session of the Scottsdale Planning Commission was called to order by Chairman Steinberg at 4:05 p.m.

2. **ADMINISTRATIVE REPORT - LUSIA GALAV**

Ms. Galav mentioned that the Commissioners had been provided with a revised rezoning flowchart; staff felt it was important to bring conceptual site plans before the Development Review Board for review prior to sending rezoning requests for hearing. Ms. Galav reviewed the process for a rezoning application.

In response to an inquiry by Commissioner Schwartz regarding shortening the timeline for processing applications, Ms. Galav clarified that sending the conceptual site plans through DRB would not add any time to the process. The Development Services Staff requests that items be placed on the agenda for City Council; an agenda review committee decides when the item will be placed on

APPROVED

the City Council agenda. An item can generally be through the process within three to four months.

3. **DISCUSSION OF REVOCATION OF USE PERMITS**

Ms. Scott reviewed the current process for conditional use permit revocations which allows the City Council as well as the City Manager or the City Managers designee to initiate revocations pursuant to the zoning ordinance. She suggested the most appropriate direction for the Planning Commission to take if there were a concern about an owner being in violation of a conditional use permit would be to agendize a discussion and forward a recommendation for consideration to the City Council.

In response to a question by Commissioner Barnett, Ms. Scott explained that once a recommendation for review was presented it would typically be in the purview of the code enforcement office to look at the conditional use permits and decide whether there may be a noncompliance issue. She clarified that the revocation of conditional use permits was a quasi-judicial proceeding; not a public meeting process. Conditional use permit revocation hearings take away property interest that has already been granted, so they are treated with a great deal of sensitivity. Commissioner Barnett clarified that the Commission was hoping to get a change in process or policy in order to allow them to provide input; the Planning Commission should be able to make a recommendation to take away rights if people are not living up to their stipulations.

Mr. Grant reviewed the recent process of changing the ordinance to allow for the City Council to be the initiating body for conditional use permit revocations.

Commissioner Hess clarified that the Commission was looking for direction on recommending to council that they revoke a conditional use permit. Discussion at the Planning Commission would also allow a public forum for the party to challenge or explain why they have not conformed prior to being placed in a legal format. Mr. Grant clarified that the Planning Commission already has the authority to make a recommendation; the Chairman can request that any item be agendized for discussion for recommendation to City Council.

Commissioner Hess suggested that a mechanism be put in place so code enforcement would be aware that the Planning Commission would like to review violations. He opined that it may give code enforcement and the planning department a tool to encourage compliance. Mr. Grant agreed that a system could be developed for the Planning Commission to work in tandem with code enforcement.

4. **REVIEW OF AUGUST 23, 2006 AGENDA**

CONTINUANCES

46-ZN-1990#17

Grayhawk Parcel 2n Rezoning

Request by owner to rezone from Resort/Townhouse Residential District, Planned Community District (R-4R PCD) to Central Business District, Planned

Community District (C-2 PCD) with amended development standards and to amend the existing development agreement on 34.9+/- acres located at 8680 E. Thompson Peak Parkway.

In response to an inquiry by Chairman Steinberg, Mr. Hadder explained that the new policy requires that a site plan be attached to rezoning cases; the Applicant is currently in the process of working with the Grayhawk HOA to complete their site plan.

25-ZN-2005

Earll Drive Condominiums

Request by owner to rezone from Highway Commercial Downtown Overlay (C-3 DO) to Downtown/Office Residential Type 2 Downtown Overlay (D/OR-2 DO) on a 2.56+/- acre parcel located at 7320 E. Earll Drive.

Ms. Galav noted that this item was being continued to the September 27th hearing at the request of the Applicant.

In response to a comment by Commissioner O'Neill, Ms. Chafin noted that additional revisions were being made beyond the conceptual sketch that had been reviewed by several Commissioners the week after the previous hearing. They are working to create something that will work for them while addressing the Commissions concerns.

EXPEDITED AGENDA

14-UP-2006

Avis Rent-a-Car

Ms. Galav noted that this item was a conditional use permit request for an automobile rental dealership in the C-3 zoning district.

REGULAR AGENDA

2-UP-2006

Blue Agave/ Jackrabbit Supper Club

3-UP-2006

Blue Agave/ Jackrabbit Supper Club

Commissioner Schwartz suggested 2-UP-2006 and 3-UP-2006 be moved to consent. Mr. Cummins confirmed that the minor amendments to the stipulations were acceptable to staff.

Vice-Chairman Heitel expressed concern about moving this type of application to consent because of controversy with other liquor applications. Commissioner O'Neill clarified that controversy with other applications was due to their locations outside of the bar district.

11-TA-2006

Amendment to Penalty Section to Coordinate with
ESL Amendment

In response to a concern by Vice-Chairman Heitel regarding the limits of the penalties, Mr. Hadder clarified that the enforcement part of the zoning ordinance

had been strengthened. Section D relates directly to the ESL, but revisions were also made to section B where a class one misdemeanor is talked about. He explained that the fine had been substantially increased as well as allowing for liens which would not only help in ESL but also citywide. Ms Scott explained that although the parenthetical on the agenda stated that there was an amendment to the penalty section to coordinate with the ESL amendment, the paragraph states the text amendment is to clarify violations and penalty provisions in the zoning ordinance.

A discussion ensued regarding the conditions being prescribed and whether the item was noticed properly. In response to a question by Commissioner Steinke, Ms. Scott confirmed that penalties would be for each separate violation and the penalty could be up to \$2,500 for each violation. Commissioner Schwartz expressed concern regarding the process for enforcing liens; he opined that filing a lien is meaningless unless the City will effectuate the fines or foreclose on the property. Mr. Grant explained that filing a violation daily would make it economically advisable for a violation to be corrected.

It was the consensus of the Commissioners to move the item to continuance in order for it to be reposted with language that is more specific.

4-TA-2006 Text Amendment on Aircraft

Ms. Galav reviewed that the text amendment would revise the use regulations prohibiting aircraft takeoffs and landing operations as an accessory use in residential districts.

5. **REVIEW OF AUGUST 30, 2006 TENTATIVE AGENDA**

4-GP-2006 Winstar Pro

5-GP-2006 2005 R.E. Investments

6-GP-2006 Lone Mountain Office

Ms. Galav reviewed that these would be non action items, noting the hearing would be held at the Via Linda Senior Center.

6. **ADJOURNMENT**

With no further business to discuss, the study session adjourned at 5:03 p.m.

Respectfully submitted,
A/V Tronics, Inc.